

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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<b>HARRY DUNLEAVY</b>	:	<b>Civil Action No. 04-122(KSH)</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
	:	
<b>MOUNT OLIVE TOWNSHIP, et al.</b>	:	
	:	
<b>Defendants</b>	:	<b>ORDER ON INFORMAL APPLICATION</b>
	:	
	:	
	:	
<b>HARRY DUNLEAVY,</b>	:	
	:	<b>Civil Action No. 04-1154(KSH)</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>MONTVILLE TOWNSHIP, et al.,</b>	:	
	:	
<b>Defendants</b>	:	
	:	

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This matter having come before the Court by way of letters dated May 3, 2005, May 5, 2005 and May 6, 2005, regarding defendants' request for leave to file a motion pursuant to Fed. R. Civ. P. 11; and the Court having considered the contents of the letters; and the Court having concluded that leave to file a motion under Rule 11 shall be granted<sup>1</sup>; and the Court advising the parties that nothing herein constitutes a ruling regarding the merits of their motion; and the Court having granted such leave to enable each side to explain why the case is/is not frivolous; and for good cause shown,

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<sup>1</sup>The defendants could have arguably sought the relief embodied in their letters as part of their motion for summary judgment. Allowing them to file a letter brief in support of this request at this time will not prejudice the plaintiff.

IT IS on this 10<sup>th</sup> day of May, 2005

ORDERED that the request for leave to file a motion under Fed. R. Civ. P. 11 is granted.

Said motion shall be filed no later than **May 16, 2005**. Any responses shall be submitted no later than **May 31, 2005**. The return date shall be **June 13, 2005** before the Hon. Katharine S. Hayden. Her Honors' Chambers will advise the parties if oral argument will be required;

IT IS FURTHER ORDERED that the parties shall submit letter-briefs, not to exceed 6 pages, in support of/in opposition to the motion; and

IT IS FURTHER ORDERED that all other terms of the Orders dated January 6, 2005 and April 4, 2005 shall remain in full force and effect.

s/Patty Shwartz

UNITED STATES MAGISTRATE JUDGE